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COUNSEL/PARTIES OF RECORD	
JAN 21 2020	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

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16 UNITED STATES DISTRICT COURT
17 DISTRICT OF NEVADA

18 DEREK KIRK,
19 vs.
20 NEVADA DEPARTEMENT OF
21 CORECTIONS, et al.
22 Defendants.

23 Case No. 3:17-cv-00334-RCJ-CLB

24 ORDER

25 UNOPPOSED MOTION FOR AN
26 EXTENSION OF TIME
27 (FIRST REQUEST)

28 Defendant Gilberto Filorio-Ramirez, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Katlyn M. Brady, Deputy Attorney General, request an enlargement of time of 31 days from January 17, 2020, due date up to and including February 17, 2020, in which to file their response the First Amended Complaint. ECF No. 6.

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1 This Motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules
2 of Practice and is based upon the attached declaration of counsel. This is the first
3 enlargement of time sought by Defendants to file this response, and the request is brought
4 in good faith and not for the purpose of delay.

5 DATED this 17th day of January, 2020.

AARON D. FORD
Attorney General

By: /s/ Katlyn M. Brady
Katlyn M. Brady (Bar No.14173)
Deputy Attorney General

IT IS SO ORDERED

U.S. MAGISTRATE JUDGE

DATED: 1/21/2020

DECLARATION OF KATLYN M. BRADY

STATE OF NEVADA)
: ss
COUNTY OF CLARK)

I, Katlyn M. Brady, being first duly sworn under oath, deposes and states as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada, and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent the Defendant in *Derek Kirk v. Nevada Department of Corrections, et al.*, case no. 3:17-cv-00334-RCJ-CLB and as such, have personal knowledge of the matters contained herein.

2. The deadline to file Defendant's response to the First Amended Complaint is January 17, 2020.

3. The First Amended Complaint names Correctional Officer Filorio as a defendant. ECF No. 6 at 2.

4. On September 4, 2019, the former Deputy Attorney General filed a limited notice of appearance for Gilberto Filorio-Ramirez. Mr. Filorio-Ramirez is a current correctional officer at Lovelock Correctional Center.

5. On January 15, 2020, at approximately 5:00 pm, I learned that Lovelock has a former correctional officer with the identical last name of Filorio-Ramirez. Based on my investigation of the issue, it appears that the correct Defendant is the former correctional officer and not Gilberto Filorio-Ramirez.

6. On January 16, 2020, I held a telephonic meeting with Derek Kirk, the Plaintiff in this matter. I explained to Mr. Kirk that it appeared Gilberto Filorio-Ramirez was not the correct Defendant as there was another employee with an identical last name. I requested Mr. Kirk agree to extend the deadline to file an answer in this matter for 31 days, while I attempted to locate the correct defendant. Mr. Kirk consented to me filing an unopposed motion for an extension of time to file an answer.

7. I am in the process of attempting to contact the former officer to inform him of the suit and determine if he will request representation.

1 8. Accordingly, I am requesting an enlargement of time to determine the correct
2 defendant in this matter and obtain consent to representation.

3 7. For the foregoing reasons, I respectfully request an enlargement of time of 31
4 days, up to and including February 17, 2020, in which to file the answer to the First
5 Amended Complaint

6 Executed on this 17th day of January, 2020.

/s/ Katlyn M. Brady
Katlyn M. Brady (Bar No. 14173)

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on January 17, 2020, I electronically filed the foregoing **UNOPPOSED MOTION FOR AN EXTENSION OF TIME (FIRST REQUEST)**, via this Court's electronic filing system. Parties that are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada to the following:

Derek Kirk #1109593
c/o NNCC Law Librarian
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702
lawlibrary@doc.nv.gov
Plaintiff Pro Se

/s/ Yolonda Lester
Yolonda Lester, an employee of the
Office of the Attorney General